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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 GREGORY TYREE BROWN,)

8 Plaintiff,)

9 v.)

10 DEAN MASON, et.al.,)

11 Defendants.)

Case No. C07-1441- RSM-BAT

**ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION TO
FILE A SECOND AMENDED
COMPLAINT**

12 The Court, having reviewed plaintiff's Second Amended Complaint in this 42 U.S.C. §
13 1983 civil rights action (Dkt. 39), together with the Motion For Leave To File Amended
14 Complaint, defendant's Response in Opposition, Plaintiff's Reply, the Report and
15 Recommendation of United States Magistrate Judge Brian A. Tsuchida, the governing law, and
16 the balance of the record, does hereby ORDER:

- 17 1) The Court adopts the Report and Recommendation;
18 2) Plaintiff's Motion For Leave To File Amended Complaint (Dkt. 46) is GRANTED
19 as to Claim 1 and defendant David Bustonaby, only;
20 3) Plaintiff's Motion For Leave To File Amended Complaint (Dkt. 46) is DENIED as
21 to Claim 1 and defendants Sue Collins, Gary Flemming and Dean Mason. These
22 claims and these defendants are STRICKEN from the second amended
23 complaint.

- 1 4) Plaintiff's Motion For Leave To File Amended Complaint (Dkt. 46) is DENIED as
2 claims 2, 3, 4, 5, and 6. These claims and all remaining defendants shall be
3 STRICKEN from the second amended complaint.
- 4 5) Defendant Bustonaby is hereby directed to file an Answer to plaintiff's Second
5 Amended Complaint no later than June 12, 2009.
- 6 6) The Clerk of Court is directed to send copies of this Order to the parties and to
7 Magistrate Judge Brian A. Tsuchida.

8 DATED this 13 day of May, 2009.

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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
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